

EXHIBIT A



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January 11, 2023

VIA E-MAIL

John Moses
844 Carteret Avenue
Trenton, New Jersey 08618
johnm22267@gmail.com

**Re: Moses v. Wayfair LLC,
Case No. 3:20-cv-05278-MAS-DEA (D.N.J.)
Pending Motion - Additional Discovery**

Dear Mr. Moses:

We are writing in regard to the Motion you filed with the Court on January 4, 2023 (the "January 4th Motion"), asking that Judge Shipp vacate Judge Arpert's December 21, 2022 Order and allow you to request additional written discovery and propound interrogatories on four individuals.

At the outset, as you know, at the November 7, 2022 status conference in this matter, Judge Arpert specifically instructed that before filing any motions with the Court regarding any discovery matters, you are to confer with us, Defendants' counsel, as a first step in resolving these issues. This, however, you did not do. Instead, you filed a letter motion on November 28, 2022 asking that the Court permit you to conduct additional discovery, and then filed the pending January 4th Motion just a few weeks later regarding the same topic.

We are reaching out to confer with you regarding the additional information you are looking for. We have considered the descriptions of the video footage and additional documents you are seeking from Defendants. To the extent responsive documents and materials exist, Defendants are prepared to produce the following in exchange for you withdrawing the January 4th Motion:

- video footage of events referenced in your termination report; and
- your time punches for April 3, 2020.

You further indicated you would like Defendants to produce "incident reports and statements from Safety Supervisor Cara Hart, Supervisor Chris Keats and Manager Donnie Lovill regarding Shellie Weber's disciplinary infraction report against Plaintiff." Defendants are not aware of any corrective action or "disciplinary infraction" you had while at Wayfair, and do not know to what you refer by "disciplinary infraction report." Once you clarify what it is you are seeking, Defendants will consider your request and determine whether any responsive, relevant documents may exist.



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Additionally, you seek to propound interrogatories on Shellie Weber, Cara Hart, Chris Keats, and Donnie Lovill. We are willing to agree to allow you to propound interrogatories on these individuals if you are willing to agree to waive any and all rights to conduct a deposition of the above witnesses. That would mean that your interrogatories would be served INSTEAD OF a deposition of each individual, as it is duplicative and an unnecessary expenditure of time and resources to do both.

Although the deadline for written discovery has long passed, Defendants are willing to provide you with the above in exchange for you withdrawing the January 4th Motion. The above proposal will remain open for the next 48 hours, until **Friday, January 13, 2023 at 5:00 p.m. EST.** If the parties are not able to resolve these discovery issues and you do not agree to withdraw the January 4th Motion, Defendants will have no choice but to file their opposition to the January 4th Motion. Please be aware that if this is the course of action Defendants are forced to take, they will also file a cross-motion against you to recover attorneys' fees incurred in responding to your previous letter request and the pending Motion given the Court's previous rulings.

We are available if you would like to discuss. We look forward to your response.

Very truly yours,

SEYFARTH SHAW LLP

/s/ Robert T. Szyba

Robert T. Szyba

EXHIBIT B

From: Szyba, Robert
Sent: Thursday, January 12, 2023 7:00 PM
To: John Moses
Cc: Halbert, Randi L.
Subject: Re: Moses v Wayfair

Mr. Moses,

Thank you for letting us know.

Thanks,

Rob

Robert T. Szyba | Partner
New York | Ext: 763351 (+1-212-218-3351)
rszyba@seyfarth.com

On Jan 12, 2023, at 5:59 PM, John Moses <johnm22267@gmail.com> wrote:

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Please be advised that I have reviewed all the contents of your letter. And I am not interested in what you are offering me to withdraw my Objection and/or Motion. Furthermore it is within your rights to file an Opposition Brief and CrossMotions you want to file, that's what the rule of law is all about. The mentioning of you talking about you will charging me legal fees because you have to file a response to my motion, does not intimate me to change my position about the motion I filed. I am not willing to give up any rights that I have to depose any of your clients and/or witnesses from Wayfair Inc, interrogatories just won't do it for me. Motion states what I want and will need to have to protect myself from a possible Summary Judgement filing.

Wed, Jan 11, 2023, 4:13 PM Szyba, Robert <RSzyba@seyfarth.com> wrote:

Mr. Moses,

Please see attached.

Thanks,

Rob

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